



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Case No. A-0451:9

AMERICAN FEDERATION OF STATE, COUNTY &
MUNICIPAL EMPLOYEES, AFL-CIO

v.

CONCORD UNION SCHOOL DISTRICT
(CUSTODIAL & MAINTENANCE EMPLOYEES)

and

DECISION NO. 84-56

Case No. M-0571

EMPLOYEES OF THE DEPARTMENT OF MAINTENANCE & TRANSPORTATION

v.

AMERICAN FEDERATION OF STATE, COUNTY &
MUNICIPAL EMPLOYEES, AFL-CIO, ITS
EXCLUSIVE REPRESENTATIVE AND UNION
OFFICIALS

APPEARANCES

Representing American Federation of State, County and Municipal Employees

Edward L. Edwards

Representing Concord Union School District

Lawrence White

Representing Employees of the Department of Maintenance & Transportation

Dennis Miniutti
Raymond Bonner

Also Present

Frank Houghton, Donald P. Jones and Jeff Corcoran

BACKGROUND

On May 18, 1983 Edward L. Edwards filed a modification petition to add complex supervisor and automotive mechanic's helper and to also modify the existing bargaining unit by covering the maintenance employees and the custodial employees under separate individual certifications or units.

On April 19, 1984 Dennis Miniutti and Raymond Bonner filed unfair labor practice charges against AFSCME, its exclusive representative and union officials alleging failure to allow its membership equal participation in affairs of the employee organization.

A hearing was held on June 28, 1984 at the PELRB offices in Concord, N.H.

Union requested board to hear the modification petition first due to the length of time that had passed since the filing. The Board agreed to hear the modification petition first, but combined the hearing with the unfair labor practice hearing.

Testimony was given by union representative regarding a presence of community of interest between the custodial and maintenance employees. Further testimony revealed that the School District agreed to include two new employee positions in the unit.

Union representative filed motion for dismissal of ULP charges on May 4, 1984, his contention being that such filing and charges were not consistent with RSA 273-A and the Board's Rules & Regulations, in that there is no charge of an unfair labor practice.

During testimony it was alleged that the union members didn't feel that the union representative was keeping the members abreast of what was going on in negotiations for their new contract along with other union activities.

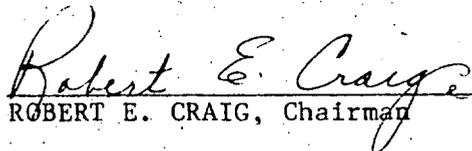
After reviewing the testimony and evidence given, PELRB issued the following oral decisions:

MODIFICATION PETITION ORAL DECISION

The addition of two new positions, complex supervisor and automotive mechanic's helper, is hereby granted. The remainder of the petition pertaining to a separate unit is denied.

UNFAIR LABOR PRACTICE ORAL DECISION

We hereby grant the dismissal of the unfair labor practice charge against AFSCME due to our inability to find allegations of unfair labor practices as opposed to unfair practices.


ROBERT E. CRAIG, Chairman

Signed this 5th day of July, 1984.

Oral decisions issued June 28, 1984. Decision by unanimous vote. Chairman Craig presiding. Members Seymour Osman, Russell Verney and Richard Roulx present and voting.